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7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF WASHINGTON**  
10

11 TIMOTHY P. BEUCA,

12 Plaintiff,

13 v.

14 WASHINGTON STATE  
15 UNIVERSITY and JOHN and  
16 JANE 1-10,

17 Defendants.

No. 2:23-cv-00069

NOTICE OF REMOVAL

18 TO: TIMOTHY P. BEUCA

19 AND TO: HAROLD H. FRANKLIN, JR. and TRACY TRIBBETT,  
20 Attorneys for Plaintiff,

21 AND TO: CLERK OF THE ABOVE-ENTITLED COURT.

22 PLEASE TAKE NOTICE that without waiving any procedural or substantive  
23 defenses, Defendant Washington State University (WSU) hereby removes Plaintiff  
24 Timothy P. Beuca's lawsuit filed (but not served) on December 2, 2022, under Cause  
No. 22-2-00252-38 in Whitman County Superior Court in the State of Washington,

1 to the U.S. District Court for the Eastern District of Washington (Spokane Division).  
2 WSU provides the following short, plain statement of the grounds for removal:

3 1. Plaintiff filed this action in Whitman County Superior Court on  
4 December 2, 2022. Because this Court is the United States District Court for the  
5 district and division embracing the place where the state court action is pending, it  
6 is the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

7 2. Plaintiff filed his original complaint in Whitman County Superior Court  
8 on December 2, 2022. *See* Exhibit C. Plaintiff did not serve his original complaint.

9 3. On February 22, 2023, Plaintiff filed his Amended Complaint for  
10 Damages (Amended Complaint). *See* Exhibit E. The same day, Plaintiff served WSU  
11 with the Amended Complaint and Summons via the email service address of the  
12 Washington Attorney General's Office. This Notice is therefore timely and  
13 appropriate because it is "filed within 30 days after the receipt by the defendant,  
14 through service or otherwise, . . . or within 30 days after the service of summons  
15 upon the defendant." 28 U.S.C. § 1446(b)(1).

16 4. This is a civil action brought in state court of which this Court has  
17 original jurisdiction under 28 U.S.C. § 1331 because it arises under the federal laws  
18 of the United States, specifically Title VII of the Civil Rights Act of 1964,  
19 42 U.S.C. § 2000e-2(a). *See* Am. Compl. ¶¶ 33–38. Removal is therefore appropriate  
20 under 28 U.S.C. § 1441(a).

21 5. Removal is also appropriate under 28 U.S.C. § 1332(a) because  
22 complete diversity of citizenship exists and the amount in controversy pertaining to  
23 Plaintiff's claims exceeds \$75,000.00. Upon information or belief, Plaintiff is a  
24

1 citizen of Florida, where he currently resides. WSU is a public university of the State  
2 of Washington. The citizenship of the fictitious Jane and John Doe defendants must  
3 be disregarded for the purpose of considering diversity jurisdiction. *See* 28 U.S.C. §  
4 1441(b)(1). Thus, complete diversity of citizenship exists.

5 6. As to the amount in controversy, Plaintiff seeks “[d]amages including  
6 lost wages, benefits, and all other lost income” related to his former position as a  
7 medical resident, “attorney’s fees and costs,” and “total general and special  
8 damages” under Title VII and the Washington Law Against Discrimination, RCW  
9 49.60.180 (WLAD). Am. Compl. at 6–7 (prayer for relief). The amount in  
10 controversy thus exceeds the statutory minimum of \$75,000.00.

11 7. This Court has personal jurisdiction over Plaintiff and WSU.

12 8. In compliance with 28 U.S.C. § 1446(a), WSU has attached a true and  
13 complete copy of the docket and all process, pleadings, and orders filed or served  
14 upon WSU in Whitman County Superior Court Cause No. 22-2-00252-38. *See*  
15 Exhibits A–F.

16 9. In compliance with 28 U.S.C. § 1446(d), a copy of this notice (without  
17 Exhibits A through F) will be filed with the Whitman County Superior Court and  
18 served on Plaintiff’s counsel in conjunction with this filing.

19  
20 ///

21  
22 ///

1 DATED this 15th day of March, 2023.

2 s/ Zachary J. Pekelis

3 ZACHARY J. PEKELIS, WSBA #44557

4 Special Assistant Attorney General

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6 1191 2nd Avenue, Suite 2000

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9 Zach.Pekelis@PacificaLawGroup.com

10 *Attorney for Defendant Washington State*  
11 *University*

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Harold H. Franklin, Jr., WSBA #20486  
Tracy Tribbett, WSBA #35922  
Pacific Justice Institute  
459 Seneca Avenue NW  
Renton, WA 98057  
hfranklin@pji.org  
*Counsel for Plaintiff*

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 15th day of March, 2023, at Seattle, Washington.

s/ Zachary J. Pekelis  
ZACHARY J. PEKELIS, WSBA #44557  
Special Assistant Attorney General  
*Attorney for Defendant Washington State University*